

REMARKS

Claims 1-5 and 7-14 are now pending in the application. Claim 1 has been amended. Support for the amendment may be found in the original disclosure and claims as a whole, for example in paragraphs [0007], [0008], claim 2, and the Examples.

Rejection Under 35 U.S.C. § 102(b) over Rokowski et al.

Claims 1-4, 9, 11, and 13 have been rejected under 35 U.S.C. § 102(b) as anticipated by Rokowski et al., U.S. Patent 5,534,310. This rejection is respectfully traversed.

The Office Action relies on Example 3 in the Rokowski patent. In Example 3, a small amount of a neutralized anionic phosphate surfactant, Wayfos M-60, is added to the monomer emulsion and charged to the flask before reaction. Although the Rokowski patent does not elaborate on the reasons for neutralizing the anionic surfactant, it seems clear that the neutralization would be required for the surfactant to perform its function of emulsification. No excess ammonia is added that may aid in any other action, as the pH of the surfactant solution, is adjusted to 7. Applicants note further that the amount of active surfactant in the solution is only 25%, so the amount of ammonia added to the monomer emulsion and to the reactor charge is rather negligible. Thus it cannot be expected that the ammonia would serve to lower the aqueous polymer dispersion viscosity compared an aqueous polymer dispersion prepared in the same way but without the base added during the reacting step

Even were the ammonia added by way of the neutralized surfactant effective to reduce the viscosity, the claims would still be patentable over the Rokowski patent because more than 50% of the ammonia present during the reaction is charged to the reactor before the reaction is begun. Specifically, in Example 3 more than 86% of the surfactant and its neutralizing ammonia

are charged to the reactor. In Example 6, the other example in which acetoacetoxyethyl methacrylate is polymerized, 73.7% of the surfactant/ammonia is charged to the reactor.

	Wayfos M-60 solution in monomer emulsion	Wayfos M-60 solution in reactor before reaction
Example 3	21.6	136.8 (86.36% of total)
Example 6	42.6	119.4 (73.70% of total)

Because the Rokowski patent fails to teach or disclose all aspects of the claimed invention, Applicants submit that the claims are patentable over the cited Rokowski patent and request reconsideration and allowance of the claims.

Claim 4 is patentable over the Rokowski patent for the further reason that the Rokowski patent does not disclose presence of a base comprising a compound with buffering capability.

Rejection Under 35 U.S.C. § 103(a) over Rokowski et al.

Claims 5, 10, 12, and 14 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Rokowski et al., U.S. Patent 5,534,310. This rejection is respectfully traversed.

The Rokowski patent does not teach or disclose a method in which wherein at least a portion of a base is fed to the reactor during reaction and less than 50% of the base is present in the reactor at the start of the reacting step. Further, there would be no motivation to modify the Rokowski method because the ammonia in the Rokowski example is added only to neutralize an anionic surfactant.

The Rokowski patent also does not teach or disclose a process in which the base is added during the reacting step in an amount such that the pH is not higher than 7 and such that the

aqueous polymer dispersion viscosity is lower than an aqueous polymer dispersion prepared in the same way but without the base added during the reacting step. The Rokowski patent teaches only using ammonia to neutralize an anionic surfactant before using it.

Claim 5 is further patentable over the Rokowski patent because the Rokowski patent nowhere discloses or suggests using ammonia in an amount sufficient to raise the pH during the reacting step at least 0.2 units. The Rokowski patent clearly only brings its surfactant solution to a neutral pH of 7 before the surfactant is used.

Accordingly, Applicants submit that the claims are patentable over the cited Rokowski patent and request reconsideration and allowance of the claims.

Claims 7 and 8

No grounds have been given for rejection of claims 7 and 8. Applicants respectfully request an indication that the claims are allowed.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully ask the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of

this application, the Examiner is invited to telephone the undersigned at (248) 641-1600 or directly at (248) 641-1220.

Respectfully submitted,

August 25, 2005

By: Anna M Budde
Anna M. Budde
Reg. No. 35085

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600